

**General Assembly**

Distr.: General
3 October 2018

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Human Rights Council

Thirty-ninth session
10–28 September 2018
Agenda item 2

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/1. Promotion and protection of human rights in the Bolivarian Republic of Venezuela**

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

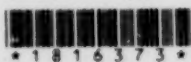
Reaffirming the primary responsibility of States to promote and protect the human rights and fundamental freedoms of their citizens and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling in particular that the United Nations High Commissioner for Human Rights has the mandate to, inter alia, play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

Bearing in mind that hundreds of thousands of nationals of the Bolivarian Republic of Venezuela, including men, women and children, are forced to leave their country as a result of, inter alia, a political, economic, social and humanitarian crisis that seriously affects their human rights,

1. *Welcomes the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight", published in June 2018;*
2. *Expresses its deepest concern at the serious human rights violations in a context of a political, economic, social and humanitarian crisis, as documented in the above-mentioned report;*
3. *Calls upon the Government of the Bolivarian Republic of Venezuela to accept humanitarian assistance in order to address the scarcity of food, medicine and medical supplies, the rise of malnutrition, especially among children, and the outbreak of diseases that had been previously eradicated or kept under control in South America;*



4. *Urges* the Government of the Bolivarian Republic of Venezuela to cooperate with the Office of the High Commissioner and the mechanisms of the Human Rights Council;

5. *Requests* the High Commissioner to prepare a comprehensive written report on the human rights situation in the Bolivarian Republic of Venezuela and to present it to the Human Rights Council at its forty-first session, to be followed by an enhanced interactive dialogue, and to present an oral update on the human rights situation to the Council at its fortieth and forty-second sessions.

*39th meeting
27 September 2018*

[Adopted by a recorded vote of 23 to 7, with 17 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Croatia, Ecuador, Georgia, Germany, Hungary, Iceland, Japan, Mexico, Panama, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Democratic Republic of the Congo, Egypt, Pakistan, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Côte d'Ivoire, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Philippines, Qatar, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates]

**General Assembly**

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10–28 September 2018

Agenda item 2

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/2. Situation of human rights of Rohingya Muslims and other minorities in Myanmar**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Right of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant international human rights law,

Recalling relevant resolutions of the General Assembly and the Human Rights Council, the most recent being Assembly resolution 72/248 of 24 December 2017 and Council resolutions 29/21 of 3 July 2015, 34/22 of 24 March 2017, S-27/1 of 5 December 2017 and 37/32 of 23 March 2018, and Council decision 36/115 of 29 September 2017,

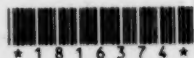
Welcoming the work of the independent international fact-finding mission on Myanmar and its oral updates to the Human Rights Council, while deeply regretting that the Government of Myanmar has not cooperated with the fact-finding mission and urging the Government to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

Welcoming also the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, deeply regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur and to deny her access to Myanmar since January 2018, and calling upon the Government to resume its cooperation with the Special Rapporteur without delay,

Welcoming further the appointment by the Secretary-General of a special envoy, the cooperation of the Government of Myanmar with the special envoy and the agreement on the opening of an office in Nay Pyi Taw, and commending the work of the special envoy since her nomination, including her recent visits to the region and her consultations with a range of interlocutors,

Welcoming the cooperation extended by the Government of Bangladesh allowing in this context the Special Rapporteur to visit the country from 29 June to 8 July 2018, while reaffirming the importance of cooperation with the Government of Myanmar in taking all

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measures necessary to promote and protect human rights in its territory without any discrimination,

Expressing deep concern about the ongoing non-cooperation of the Government of Myanmar and its denial of access to the fact-finding mission and the Special Rapporteur,

Expressing deep concern also that, despite the signing of the bilateral instruments between Bangladesh and Myanmar and the subsequent formation of the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh, no displaced Rohingya person has been able to return to Myanmar to date owing to the fact that no visible effort has been made to create a conducive environment for the safe, voluntary, dignified and sustainable return of displaced Rohingya, including assurance of non-occurrence of violence, assurance on rights, including citizenship and mobility, or assurance of accountability of perpetrators and justice for victims, and owing also to the very slow verification process of the list of intended returnees handed over to Myanmar,

Expressing concern at the reports of continued intimidation and violence against the remaining Rohingya Muslim population and other minorities in Myanmar,

Recognizing the initial steps taken by the Government of Myanmar to address the underlying causes of the situation in Rakhine State, including the setting up of the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and the Advisory Commission on Rakhine State, established on 5 September 2016 at the behest of the State Counsellor of Myanmar, Daw Aung San Suu Kyi, and chaired by former Secretary-General Kofi Annan, while regretting that the Government has not yet fully implemented all recommendations of the Advisory Commission on Rakhine State,

Acknowledging the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018 as a step towards ensuring accountability for the gross human rights violations and abuses committed in Rakhine State, and expressing hope that the commission of enquiry, unlike previous national investigative mechanisms, will be able to work with independence, transparency and objectivity,

Acknowledging with grave concern the statements made by the Secretary-General on 26 February 2018, the United Nations High Commissioner for Human Rights on 7 March 2018 and the Assistant Secretary-General for Human Rights on 6 March 2018, as well as by the Secretary-General of the Organization of Islamic Cooperation on 27 February 2018, on the situation of human rights in Rakhine State, in which they referred to ethnic cleansing in Myanmar, and recalling resolution 59/45-POL of the Organization of Islamic Cooperation adopted by the Council of Foreign Ministers at its forty-fifth session on the establishment of an ad hoc ministerial committee on accountability for human rights violations against the Rohingya, and the recommendations made by the participants in the international consultation meeting on the Rohingya crisis, held on 6 July 2018 in Ankara,

Acknowledging the request made by the High Commissioner, during the thirty-eighth session of the Human Rights Council, on the situation of human rights of the Rohingya population and other minorities in the Rakhine State of Myanmar, that the Council, in view of the scale and gravity of the allegations, consider making a recommendation to establish a new impartial and independent mechanism, complementary to the work of the fact-finding mission,

Stressing that States have the primary responsibility to respect, protect and fulfil human rights,

Reiterating the urgent need to ensure that all those responsible for crimes relating to violations and abuses of international human rights law are held to account through credible and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court,

Recalling the responsibility of States to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law, international human rights law and international refugee law, and for

abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, with a view to end impunity,

1. *Expresses grave concern* at the findings of the independent international fact-finding mission that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command so that a competent court may determine their liability for genocide in relation to the situation in Rakhine State, and that crimes against humanity and war crimes have been committed in Kachin, Rakhine and Shan States, including murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution and enslavement, and that children were subjected to, and witnessed, serious human rights violations, including killing, maiming and sexual violence, as part of a widespread and systematic attack on a civilian population warranting criminal investigation and prosecution, and that the military has consistently failed to respect international human rights law and international humanitarian law;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, as set out in the report of the fact-finding mission,¹ including widespread, systematic and gross human rights violations and abuses committed in Rakhine State, including the presence of elements of extermination and deportation and systematic oppression and discrimination, which may amount to persecution and to the crime of apartheid, also strongly condemns the disproportionate response of the military and the security forces, deplores the serious deterioration of the security, human rights and humanitarian situation, the exodus of more than 723,000 Rohingya Muslims and other minorities into Bangladesh and the subsequent depopulation of northern Rakhine State, and calls upon the Myanmar authorities to ensure that those responsible for violations of international law, including human rights violations and abuses, are held accountable;

3. *Calls for* a full and independent investigation of the reports of systematic and widespread human rights violations and abuses committed, as reported by various United Nations bodies, including the Human Rights Council, the fact-finding mission and the Special Representative of the Secretary-General on Sexual Violence in Conflict;

4. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including of Rohingya Muslims and other minorities;

5. *Also calls upon* the Government of Myanmar to take all measures necessary to ensure accountability and to end impunity for all violations of human rights by undertaking a full, transparent and independent investigation into reports of all violations of international human rights law and international humanitarian law;

6. *Further calls upon* the Government of Myanmar to grant full, unrestricted and unmonitored access for the fact-finding mission, other human rights mechanisms and relevant United Nations agencies, as well as for relevant international and regional human rights bodies, including the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, and to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

7. *Welcomes* the holding of the third session of the Twenty-first Century Panglong Conference from 11 to 16 July 2018 and the progress made towards the principles of a future democratic federal union of Myanmar, while calling for further steps, including an immediate cessation of fighting and hostilities, of targeting civilians and of all violations and abuses of international human rights law and international humanitarian law in northern Myanmar, and of the harassment, intimidation, arrest, detention and prosecution of human rights defenders and activists demonstrating for peace, the provision of immediate, safe and unhindered humanitarian access, including to areas controlled by ethnic armed groups, in particular in Kachin and Shan States, and the implementation of an inclusive and

¹ A/HRC/39/64.

comprehensive national political dialogue ensuring the full, effective and meaningful participation of all ethnic groups, women and young people, and persons with disabilities, as well as civil society, with the objective of achieving lasting peace;

8. *Calls upon* the Government of Myanmar to take the measures necessary to address the spread of discrimination and prejudice and to combat the incitement to hatred against Rohingya Muslims and other minorities by publicly condemning such acts and enacting necessary anti-hate speech laws, in accordance with international human rights standards, and by promoting interfaith dialogue in cooperation with the international community, and encourages political and religious leaders in the country to work towards national unity through dialogue;

9. *Also calls upon* the Government of Myanmar to make efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya Muslims, by, inter alia, reviewing the 1982 Citizenship Law, which has led to the deprivation of human rights; by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification; by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

10. *Strongly urges* the Government of Myanmar to take all measures necessary to implement fully all recommendations made by the Advisory Commission on Rakhine State;

11. *Notes with concern* the continued departure of members of the remaining Rohingya population and other minorities for Bangladesh, and strongly urges the Government of Myanmar and the armed forces to lift the curfew order in Rakhine State, in particular to ensure freedom of movement and the safety and security of all persons without discrimination, and to put an end to extortion against and the intimidation of the Rohingya population;

12. *Calls upon* the Government of Myanmar to allow free and unhindered access for local and international staff of humanitarian and other relevant international agencies to provide humanitarian assistance, including gender-responsive assistance, and encourages it to grant access to the diplomatic corps, independent observers and representatives of the national and international independent media, without fear of reprisal, and to safeguard those who report abuses;

13. *Stresses* the need for the creation of the conditions for the safe, voluntary, dignified and sustainable return of Rohingya refugees from Bangladesh to their places of origin, offering dignified solutions to displacement, in consultation with the populations concerned and in accordance with international law and standards, with international oversight and monitoring and with the free and informed participation of refugee communities;

14. *Strongly calls upon* the Government of Myanmar to expedite the safe, voluntary, dignified and sustainable return of all internally displaced persons in conditions of safety and dignity to their homes in Myanmar, including the approximately 120,000 internally displaced Rohingya and Kaman persons currently in camps near Sittwe in central Rakhine since 2012, by offering dignified solutions to displacement, in consultation with the populations concerned and in accordance with international law and standards;

15. *Calls upon* the Government of Myanmar to provide any returnees with freedom of movement, unimpeded access to livelihoods, social services, including health services, education and shelter, and compensation for all losses;

16. *Calls upon* the United Nations and encourages other international agencies to provide all support necessary for the Governments of Bangladesh and Myanmar to expedite the safe, voluntary, dignified and sustainable return of forcibly displaced Rohingya Muslims and other minorities from Myanmar, including internally displaced persons, including through the early implementation of the memorandum of understanding signed by

the Government of Myanmar, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme;

17. *Urges* the Government of Myanmar to take all measures necessary to reverse and abandon policies, directives and practices that marginalize Rohingya Muslims and other minorities economically, to prevent the destruction of places of worship, cemeteries, infrastructure and commercial or residential buildings belonging to all peoples, and to ensure that displaced Rohingya Muslims and other minorities in Rakhine State do not lose their rights to their homes and properties, including by reviewing relevant laws, and to address the root causes of their vulnerability and forced displacement;

18. *Expresses grave concern* that the journalists Wa Lone and Kyaw Soe Oo, who were investigating the Inn Dinn killings, have been jailed, prosecuted and sentenced, and calls for their immediate and unconditional release, and calls upon the Government of Myanmar to allow unhindered access of journalists throughout Myanmar, in particular in Rakhine, Kachin and Shan States;

19. *Welcomes* the signing by the Governments of Myanmar and Bangladesh of an arrangement on the return of displaced persons from Rakhine on 23 November 2017 and of a physical arrangement for the repatriation of displaced Myanmar residents from Bangladesh on 16 January 2018 as important first steps towards the safe, voluntary, dignified and sustainable return and repatriation of Rohingya refugees, and acknowledges the cooperation of Bangladesh with the Office of the United Nations High Commissioner for Refugees, while urging all parties to invite the Office of the High Commissioner, the International Organization for Migration and other relevant international organizations to fulfil their mandates and to participate fully in the work of the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh and to ensure the transparent, effective and sustainable implementation of the returns process, in accordance with international law and with the free and informed participation of refugee communities;

20. *Acknowledges* the signing of a memorandum of understanding on 6 June 2018 by the Government of Myanmar, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees and the creation of a technical working group to oversee implementation as an important and necessary step to create conditions for the safe, voluntary and dignified return of refugees from Bangladesh, and encourages the immediate publication of the memorandum;

21. *Also acknowledges* the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018, and calls for its close cooperation with all United Nations bodies and mandates, in particular the independent international fact-finding mission and the Special Rapporteur on the situation of human rights in Myanmar to ensure that all those responsible for crimes involving violations of international law, including violations and abuses of international human rights law, such as conflict-related sexual and gender-based violence and the attacks on children perpetrated during the military "clearance" operations in northern Rakhine State, are held to account;

22. *Decides* to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law;

23. *Also decides* that the mechanism shall:

- (a) Be able to make use of the information collected by the fact-finding mission and continue to collect evidence;
- (b) Have the capacity to document and verify relevant information and evidence, including through field engagement and by cooperating with other entities, as appropriate;
- (c) Report on its main activities on an annual basis to the Human Rights Council as of its forty-second session and to the General Assembly as of its seventy-fourth session;

24. *Takes note* of the International Criminal Court Pre-Trial Chamber's ruling that it may exercise jurisdiction over the deportation of the Rohingya people from Myanmar to Bangladesh, and requests the mechanism to cooperate closely with any of its future investigations pertaining to human rights violations in Myanmar;

25. *Requests* the Secretary-General to appoint the staff of the mechanism as expeditiously as possible, taking into account the experience of other relevant mechanisms, and to recruit or allocate impartial and experienced staff with relevant skills and expertise, drawing upon terms of reference prepared by the United Nations High Commissioner for Human Rights;

26. *Calls upon* all States, including the Government of Myanmar and its independent commission of enquiry, and encourages civil society, business enterprises and other relevant stakeholders to cooperate fully with the mechanism to effectively fulfil its mandate and, in particular, to provide it with any information and documentation they may possess or come to possess, as well as any other forms of assistance pertaining to their respective mandate;

27. *Requests* the United Nations system as a whole to cooperate fully with the mechanism and to respond promptly to any request made by the mechanism, including access to all information and documentation;

28. *Requests* the Secretary-General to allocate the resources necessary for the implementation of the present resolution, including the logistical and technical resources necessary to support the functioning of the mechanism;

29. *Encourages* the General Assembly to consider taking further action to address the serious human rights violations committed in Myanmar, particularly in Rakhine, Shan and Kachin States, as documented in the final report of the fact-finding mission,¹ and to seriously consider the recommendations contained therein and to pay due regard to the establishment of the mechanism;

30. *Decides* to extend the mandate of the independent international fact-finding mission, established by the Human Rights Council in its resolution 34/22, until the new mechanism is operational to ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by the mechanism, and requests the fact-finding mission to submit a final report on its main activities to the Council at its forty-second session;

31. *Requests* the United Nations High Commissioner for Human Rights to present a written report, to be followed by an interactive dialogue, to the Human Rights Council at its forty-third session, on the root causes of the human rights violations and abuses the Rohingya Muslim minority and other minorities in Myanmar are facing, including discrimination, racial intolerance, xenophobia and Islamophobic practices, in violation of international human rights law and contrary to international declarations, including but not limited to the Durban Declaration and Programme of Action, and to recommend concrete measures to be taken by the Government of Myanmar and the international community to address the current situation;

32. *Encourages* the United Nations system to give due consideration to the recommendation by the fact-finding mission on conducting a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011 with a view to establishing whether everything possible to prevent or mitigate the unfolding crises was done, identifying lessons learned and good practices, making recommendations as appropriate, including on accountability, and enabling more effective work in the future;

33. *Appeals* to all States, international agencies and other donors to step up support for victims, including support for refugees, displaced persons and host communities, possibly through the establishment of a trust fund to address their needs, including the needs of those who have been victims of sexual violence, as well as child victims and witnesses.

39th meeting
27 September 2018

[Adopted by a recorded vote of 35 to 3, with 7 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, Egypt, Georgia, Germany, Hungary, Iceland, Iraq, Kyrgyzstan, Mexico, Nigeria, Pakistan, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Philippines

Abstaining:

Angola, Ethiopia, Japan, Kenya, Mongolia, Nepal, South Africa]

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Thirty-ninth session
10–28 September 2018
Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/3. World Programme for Human Rights Education**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and in other international human rights instruments, States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113 A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education, and resolution 60/251 of 15 March 2006, in which the Assembly decided, *inter alia*, that the Human Rights Council should promote human rights education and learning,

Reaffirming the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 of 19 December 2011,

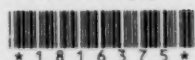
Recalling previous Human Rights Council resolutions on the World Programme for Human Rights Education, the most recent being resolution 36/12 of 28 September 2017,

Recalling also that the World Programme is an ongoing initiative, structured in consecutive phases, to advance the implementation of human rights education programmes in all sectors, and that States should continue the implementation of previous phases while taking the measures necessary to implement the current phase,

Recognizing that the World Programme for Human Rights Education focused, in its first phase, on the integration of human rights education into the primary and secondary school systems, in its second phase, on human rights education in higher education and human rights training for teachers and educators, civil servants, law enforcement officials and military personnel, and in its third phase, on the implementation of the first two phases and on promoting human rights training for media professionals and journalists,

Believing that human rights education and training are essential to the effective realization of human rights and fundamental freedoms, and contribute significantly by promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of

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any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance, and the essential role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially among youth, in the prevention and eradication of all forms of intolerance and discrimination,

Recalling the adoption of the 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action, and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the consultation on the target sectors, focus areas or thematic human rights issues for the fourth phase of the World Programme for Human Rights Education;¹

2. *Encourages* States and relevant stakeholders to, during the fourth phase of the World Programme, strengthen efforts to advance the implementation of the three previous phases, with special emphasis on:

(a) Advancing implementation by focusing especially on women, girls and children, and engaging with groups and individuals in vulnerable situations, in accordance with the objective of the 2030 Agenda for Sustainable development of "leaving no one behind", and consolidating the work done;

(b) Providing human rights education and training for educators in formal and non-formal education and training, in particular those working with children and youth;

(c) Undertaking related research and mapping, sharing good practices and lessons learned, and sharing information among all actors;

(d) Applying and strengthening sound educational methodologies based on good practices and assessed through continued evaluation;

(e) Fostering dialogue, cooperation, networking and information-sharing among relevant stakeholders;

(f) Furthering the integration of human rights education and training into school and training curricula;

(g) Strengthening follow-up to the implementation of all previous phases of the World Programme;

3. *Decides* to make youth the focus group of the fourth phase of the World Programme, with special emphasis on education and training in equality, human rights and non-discrimination, and inclusion and respect for diversity with the aim of building inclusive and peaceful societies, and to align the fourth phase with the 2030 Agenda for Sustainable Development and specifically with target 4.7 of the Sustainable Development Goals, taking into account the synergies between the different concepts and educational methods mentioned therein;

4. *Calls upon* States and, where applicable, relevant governmental authorities and other stakeholders to increase their efforts to implement, disseminate and promote universal respect for and understanding of the United Nations Declaration on Human Rights Education and Training;

5. *Encourages* States to develop, as appropriate, comprehensive and sustainable national plans of action for human rights education and training, with dedicated resources;

6. *Requests* the Office of the High Commissioner to prepare, from within existing resources, and taking into account the report of the High Commissioner¹ and future relevant consultations, a plan of action for the fourth phase of the World Programme (2020-

¹ A/HRC/39/35.

2024), in consultation with States, relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization, national human rights institutions and civil society, including non-governmental organizations, and to submit the plan of action to the Human Rights Council for its consideration at its forty-second session;

7. *Recommends* that the Secretary-General ensure that an adequate component of United Nations assistance, to be provided at the request of Member States to develop their national systems of promotion and protection of human rights, is available to support human rights education and training;

8. *Decides* to consider this issue at its forty-second session in accordance with its programme of work.

39th meeting
27 September 2018

[Adopted without a vote.]

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Thirty-ninth session

10–28 September 2018

Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/4. Promotion of a democratic and equitable international order***The Human Rights Council,*

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014, 30/29 of 2 October 2015, 33/3 of 29 September 2016 and 36/4 of 28 September 2017,

Recalling also Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

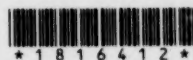
Affirming that the enhancement of international cooperation for the promotion and the protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and with, inter alia, full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law

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can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Concerned about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and the protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Affirming that the right of every State to take part in the conduct of international affairs is essential to the realization of an international order that is democratic and equitable,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing the need for adequate financing of and technology transfer to developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;
2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;
3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;
4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, and the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;
5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity;
6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:
 - (a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;
 - (b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;
 - (c) The right of every human person and all peoples to development;
 - (d) The right of all peoples to peace;
 - (e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;
 - (f) International solidarity, as a right of peoples and individuals;
 - (g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;
 - (h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;
 - (i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, and threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, and of respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Reaffirms*, among other principles, the principles of sovereign equality of States, of non-intervention and of non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity and mutual understanding, and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control and to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to make it possible to eliminate the widening gap between developed and developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations;

14. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

15. *Affirms* that a democratic and equitable international order, as prescribed in the Charter, cannot be achieved through the deregulation of trade, markets and financial services;

16. *Takes note* of the reports of the Independent Expert on the promotion of a democratic and equitable international order;¹

17. *Invites* the Independent Expert to continue his research into the impact of financial and economic policies pursued by international organizations and other institutions on a democratic and equitable international order, in particular those of the World Bank and the International Monetary Fund;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

19. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

20. *Requests* the Independent Expert to submit to the Human Rights Council, at its forty-second session, a report on the implementation of the present resolution;

21. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as the South Centre, and with other stakeholders from all regions;

22. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

23. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

24. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

25. *Decides* to continue consideration of this matter under the same agenda item at its forty-second session.

39th meeting
27 September 2018

[Adopted by a recorded vote of 28 to 14, with 5 abstentions. The voting was as follows:

In favour:

Angola, Burundi, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Panama, Philippines, Qatar, Rwanda, Saudi Arabia,

¹ A/HRC/39/47 and Add.1.

Senegal, South Africa, Togo, Tunisia, Ukraine,² United Arab Emirates,
Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Iceland, Japan,
Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, United Kingdom
of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Brazil, Chile, Mexico, Peru]

² The representative of Ukraine subsequently stated that there had been an error in the delegation's vote and that it had intended to vote against.

**General Assembly**

Distr.: General
4 October 2018

Original: English

Human Rights Council

Thirty-ninth session
10–28 September 2018
Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/5. The use of mercenaries as a means of violating human rights and
impeding the exercise of the right of peoples to self-determination**

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Extremely alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in

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particular in areas of conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the countries affected,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Convinced that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the consultancy and security services provided by private companies, including in the extractive industries, to establish national regulatory mechanisms for the registering and licensing of those companies, for accountability of the companies and their personnel and for remedies for violations resulting from their activities in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

8. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

10. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

11. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;
12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;
13. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;
14. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;¹
15. *Requests* the Working Group and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;
16. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term "mercenary" drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,² and also the evolving phenomenon of mercenaries and its related forms;
17. *Also requests* in this regard the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;
18. *Further requests* the Working Group to continue to study and identify new sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;
19. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;
20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;
21. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-fourth session and to the Human Rights Council at its forty-second session;

¹ A/HRC/39/49.

² E/CN.4/2004/15.

22. *Decides to continue its consideration of this matter under the same agenda item at its forty-second session.*

*39th meeting
27 September 2018*

[Adopted by a recorded vote of 30 to 15, with 2 abstentions. The voting was as follows:

In favour:

Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Mexico]

**General Assembly**

Distr.: General
5 October 2018

Original: English

Human Rights Council

Thirty-ninth session
10–28 September 2018
Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/6. The safety of journalists**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 72/175 of 19 December 2017 and Council resolution 33/2 of 29 September 2016, as well as Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the safety of journalists,¹

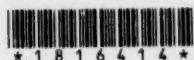
Recalling all other relevant reports of the Secretary-General, the Office of the High Commissioner and the special procedures of the Human Rights Council on the safety of journalists,

Recalling also the options put forward in the outcome of the multi-stakeholder consultation on strengthening the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,

Welcoming the decision of the Secretary-General to appoint a designated official on the safety of journalists in his Executive Office and to mobilize a network of focal points throughout the United Nations system to propose specific steps to intensify efforts to enhance the safety of journalists and media workers,

*Welcoming also the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, including its role in monitoring developments in this area, as reflected in its Global Report 2017/2018 entitled *World**

¹ A/HRC/39/23.



Trends in Freedom of Expression and Media Development, and expressing concern at the increase in violence against and harassment of journalists described therein,

Welcoming further the initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recognizing the importance of freedom of expression and of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive and peaceful knowledge societies and democracies, an informed citizenry, the rule of law and participation in public affairs, in holding public institutions and officials accountable, including by exposing corruption, and in fostering intercultural dialogue, peace and good governance, as well as mutual understanding and cooperation,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

Recognizing also the importance of public trust in and the credibility of journalism, in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving and where targeted disinformation and smear campaigns to discredit the work of journalists are increasing,

Recognizing further that the work of journalists often puts them at specific risk of intimidation, threats, harassment and violence, including the targeting of their family members, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats, including of a physical, legal, political, technological and economic nature, and acts of other forms of violence,

Deeply alarmed at the specific risks faced by women journalists in relation to their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment, inequality and gender-based stereotypes, and to enable women to enter and remain in journalism on terms of equality and non-discrimination while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed,

Alarmed at instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism,

Expressing serious concern at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the important role that national human rights institutions can play in promoting and protecting human rights, including the right to freedom of expression, and in addressing human rights violations against journalists through monitoring, educating and awareness-raising activities, as well as through the examination of complaints, and recognizing further the contribution that national mechanisms for reporting and follow-up can play in the prevention of human rights violations against journalists,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, hacking, including government-sponsored hacking, and denial of service attacks to force the shutdown of particular media websites or services, in violation of their rights to privacy and to freedom of expression,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Stressing the need for greater emphasis on prevention measures and the creation of enabling legal frameworks for freedom of expression to ensure a safe and enabling environment for journalists and media workers,

1. *Condemns unequivocally all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, expulsion, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets in both conflict and non-conflict situations;*
2. *Also condemns unequivocally the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination, including sexual and gender-based violence, threats, intimidation and harassment, online and offline;*
3. *Strongly condemns the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes, and calls upon States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held by the Human Rights Council on 11 June 2014 and/or compiled in the report of the Office of the United Nations High Commissioner for Human Rights thereon,² inter alia (a) the creation of special investigative units or independent commissions, (b) the appointment of a specialized prosecutor, and (c) the adoption of specific protocols and methods of investigation and prosecution;*
4. *Urges States to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring*

² A/HRC/27/35.

perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearance;

6. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or dissemination of information online and offline, which undermine the work of journalists in informing the public, including measures to unlawfully or arbitrarily block or take down media websites, such as denial of service attacks, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies;

7. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to privacy and to freedom of expression, and to incite violence, hatred, discrimination or hostility, and emphasizes the important contribution by journalists in countering this trend;

8. *Urges* political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, and thereby undermining trust in the credibility of journalists as well as respect for the importance of independent journalism;

9. *Urges* States to do their utmost to prevent violence, intimidation, threats and attacks against journalists and media workers, including by:

(a) Increasing and accelerating efforts to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference;

(b) Giving full support to and raising public awareness of the importance of an independent, plural and diverse media, online as well as offline;

(c) Publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers;

(d) Establishing or enhancing information-gathering and monitoring mechanisms, such as databases, to permit the collecting, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists;

(e) Establishing an early warning and rapid response mechanism to give journalists and media workers, when threatened, immediate access to authorities competent and adequately resourced to provide effective protective measures;

(f) Supporting capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel, as well as among media organizations, journalists and civil society, regarding States' international human rights and international humanitarian law obligations and commitments relating to the safety of journalists;

(g) Putting in place safe gender-sensitive preventive measures and investigative procedures in order to encourage women journalists to report offline and online attacks against them, and providing adequate support, including psychosocial support, to victims and survivors;

(h) Ensuring better internal coordination and sharing of information, in particular within and between relevant ministries, law enforcement and the judiciary at the local and national levels;

(i) Signing and ratifying the international and regional human rights instruments relevant to the safety of journalists;

(j) Implementing more effectively the applicable legal framework for the protection of journalists and media workers, relevant resolutions adopted by United Nations bodies and regional intergovernmental organizations, as well as the recommendations made by the treaty bodies, the special procedures and in the context of the universal periodic review relating to the safety of journalists;

(k) Integrating the safety of journalists and media freedom into national development frameworks under the 2030 Agenda for Sustainable Development;

10. *Also urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary repeal or amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

11. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Also calls upon* States to ensure that defamation and libel laws are not misused, in particular through excessive criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

13. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided for in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

14. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and in this regard calls upon States to comply with their obligations under international human rights law and not to interfere with the use of such technologies, and to refrain from employing unlawful or arbitrary surveillance techniques, including through hacking;

15. *Calls upon* States to tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment and incitement to hatred against women journalists, online and offline, as part of broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society;

16. *Encourages* States and all other relevant stakeholders to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

17. *Emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, in particular for journalists on dangerous assignments, together with protective equipment and insurances, where necessary;

18. *Recognizes* the important contribution of the promotion and protection of the safety of journalists in the realization of target 16.10 of the Sustainable Development Goals, and calls upon States to strengthen national data collection, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against journalists and associated media personnel, in accordance with Sustainable Development Goal indicator 16.10.1, and to do their utmost to

make these data available to the relevant entities, in particular the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization;

19. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

20. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

21. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

22. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

23. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

39th meeting
27 September 2018

[Adopted without a vote.]



General Assembly

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Thirty-ninth session

10–28 September 2018

Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018**

39/7. Local government and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 24/2 of 26 September 2013, 27/4 of 25 September 2014 and 33/8 of 29 September 2016 on the role of local government in the promotion and protection of human rights,

Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and its commitments to working tirelessly for full implementation of the Agenda by 2030 at all levels,

Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and their targets,

Bearing in mind that the Sustainable Development Goals are integrated and indivisible, balance the three dimensions of sustainable development — economic, social and environmental — and are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls,

Bearing in mind also that human rights and fundamental freedoms are the birthright of all human beings, and that their protection and promotion is the first responsibility of Governments,

Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national Government in this regard,

Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,

Recognizing further that, given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that

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address local needs and priorities related to the realization of human rights at the local level.

Underlining that the promotion of a human rights culture within public services, and public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Underlining also that the expertise and knowledge of local government officials are an important asset in the provision of public services and the promotion and protection of human rights and fundamental freedoms at the local government level, and in the implementation of the pledge in the 2030 Agenda for Sustainable Development to leave no one behind

Recognizing that, despite improvements in several countries, in some instances local stakeholders can face challenges in participating in local government programmes,

Noting relevant international and regional initiatives to promote human rights at the local level and the role of local governments in the implementation of such initiatives,

Reaffirming the crucial role that the national Government can play in promoting a positive contribution by local government to the implementation of the 2030 Agenda with regard to the promotion and protection of human rights,

1. *Takes note with appreciation* of the summary report on the intersessional panel on the role of local government in the promotion and protection of human rights;¹
2. *Encourages* the interaction and exchange of knowledge between local governments and local stakeholders, including, inter alia, local civil society, in the formulation and implementation of local government programmes, with the aim of achieving the Sustainable Development Goals through the promotion of a human rights culture within public services;
3. *Encourages* local governments to ensure the participation of local stakeholders in local government activities and in public affairs in efforts to promote and protect human rights at the local level;
4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report, in consultation with all States and relevant intergovernmental organizations, United Nations agencies, funds and programmes, relevant special procedures of the Human Rights Council, the Advisory Committee, the treaty bodies, national human rights institutions, civil society, including non-governmental organizations, and local governments, on effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights at their level through local government programmes, including raising awareness of the Sustainable Development Goals, and to indicate the major challenges and best practices in this regard, and to submit the report to the Council prior to its forty-second session;
5. *Decides* to remain seized of the matter.

39th meeting
27 September 2018

[Adopted without a vote.]

¹ A/HRC/38/2.

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**Resolution adopted by the Human Rights Council
on 27 September 2018****39/8. The human rights to safe drinking water and sanitation**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

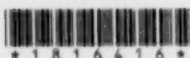
Reaffirming all previous resolutions of the Human Rights Council and the General Assembly on the human rights to safe drinking water and sanitation, inter alia, Council resolution 33/10 of 29 September 2016 and Assembly resolution 72/178 of 19 December 2017,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, ensuring to leave no one behind,

Recalling that the 2030 Agenda for Sustainable Development covers the issue of the human rights to safe drinking water and sanitation and other water-related Sustainable Development Goals, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation, as well as health and hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving universal and equitable access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, reduce the number of people suffering from water scarcity and ensure special attention to the needs and rights of women and girls,



Recalling also General Assembly resolution 71/222 of 21 December 2016, by which the Assembly proclaimed the period from 2018 to 2028 the International Decade for Action, "Water for Sustainable Development",

Recalling further the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation in 2016, and the Dar es Salaam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week in 2016, and noting the Budapest Water Summit 2016 and its recommendations, the call for action of the high-level symposium on the theme "Sustainable Development Goal 6 and targets: ensuring that no one is left behind in access to water and sanitation", held in Dushanbe in 2016, the seventh South Asian Conference on Sanitation, held in Islamabad in 2018, and the High-level International Conference on the International Decade for Action "Water for Sustainable Development", held in Dushanbe in 2018,

Welcoming the work of the World Health Organization and the United Nations Children's Fund in the 2017 update published by their Joint Monitoring Programme for Water Supply and Sanitation,

Welcoming also the fact that, according to a report by the Joint Monitoring Programme for Water Supply and Sanitation in 2015, an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water system,

Deeply concerned that 844 million people lack a basic water service, 2.1 billion people lack access to safe drinking water that is available when needed and free from contamination in their homes, 4.5 billion people lack access to safely managed sanitation and 892 million people still practise open defecation,

Welcoming the fact that the Joint Monitoring Programme for Water Supply and Sanitation has established an extensive global database and has been instrumental in developing global norms to benchmark progress, while taking into consideration the fact that official figures do not always capture all the dimensions of the human rights to water and sanitation,

Deeply concerned that the lack of access to safe drinking water and sanitation and hygiene underlies severe human costs, such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility, availability and quality, as human rights criteria ensuring the rights to safe drinking water and sanitation, require, inter alia, that water, sanitation and hygiene facilities and services are within the safe physical reach of all sections of the population without discrimination of any kind and are accessible at a price that is affordable to all,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

Deeply concerned that women and girls often face particular barriers in their enjoyment of the rights to safe drinking water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which constitutes a major impediment to the achievement of their economic empowerment, independence and social and economic development,

Deeply concerned also that widespread silence and stigma surrounding menstruation and menstrual hygiene mean that women and girls often lack basic information thereon, are excluded and stigmatized and are thus prevented from realizing their full potential,

Deeply concerned further that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, workplaces, health centres, and public facilities and buildings, negatively affects gender equality and women's and girls' enjoyment of human rights, including the rights to education, health, safe and healthy working conditions and to participate in public affairs,

Deeply concerned that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes, or practising open defecation,

Deeply alarmed that water, sanitation and hygiene-related diseases have a disproportionate impact on children and that, in humanitarian crises, including in times of conflict or natural disasters, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation services,

Reaffirming the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health and to the right to life and human dignity,

Reaffirming the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

Affirming the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

Stressing the importance of monitoring and reporting on the implementation of the Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation without any prejudice to questions of international water law, including international watercourse law,

Recognizing the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are essential and components of the right to an adequate standard of living;

2. *Welcomes* the work of the Special Rapporteur on the human rights to safe drinking water and sanitation, and takes note with appreciation of his report on the theme of the human rights to water and sanitation of forcibly displaced persons;¹

3. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

4. *Also reaffirms* that the human rights to safe drinking water and sanitation are interrelated, but have features that warrant distinct treatment in order to address specific challenges in their implementation;

5. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners and donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, and urges development partners to adopt a human rights-based approach when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation;

6. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to safe drinking water and sanitation as essential and components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

7. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation;

8. *Calls upon* States:

(a) To implement the internationally agreed Sustainable Development Goals and targets, including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, in accordance with their obligations under international law;

(b) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons at risk and marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds;

(c) To monitor continuously and analyse regularly the status of the realization of the human rights to water and sanitation and to enhance efforts to improve the availability, accessibility, quality and use of water-related data at the local, national and regional levels, and to develop disaggregated and gender-responsive indicators and monitoring mechanisms;

(d) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management, to ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education, to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when

¹ A/HRC/39/55.

accessing sanitation facilities outside of their home or practising open defecation, to protect women's and girls' equal access to water and sanitation and to take positive measures to guarantee the availability and accessibility of these rights;

(e) To address the widespread stigma and shame surrounding menstruation and menstrual hygiene by ensuring access to factual information thereon, addressing the negative social norms around the issue and ensuring universal access to hygienic products and gender-sensitive facilities, including disposal options for menstrual products;

(f) To make efforts to mitigate the disproportionate impact of water-, sanitation- and hygiene-related diseases on children and reduce child mortality, morbidity and stunting by ensuring the progressive realization of the human rights to safe drinking water and sanitation;

(g) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(h) To provide for effective accountability mechanisms to ensure that all water and sanitation service providers, including private sector providers, respect human rights and do not cause or contribute to human rights violations or abuses;

9. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

11. *Decides* to continue its consideration of this matter under the same agenda item at its forty-second session.

39th meeting
27 September 2018

[Adopted by a recorded vote of 44 to 1, with 2 abstentions. The voting was as follows:

In favour:

Angola, Australia, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Georgia, Germany, Hungary, Iceland, Iraq, Japan, Kenya, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Kyrgyzstan

Abstaining:

Afghanistan, Ethiopia]

**General Assembly**

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Human Rights Council

Thirty-ninth session

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Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018****39/9. The right to development**

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of every human right,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 36/9 of 28 September 2017 and Assembly resolution 72/167 of 19 December 2017,

Recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development,

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a legally binding instrument on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders,



including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development and its means of implementation, and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development provides a vital enabling environment for the full realization of the Sustainable Development Goals,

Recognizing that achieving the internationally agreed development goals, including the unmet Millennium Development Goals, the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all its forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Recognizing further that inequality is a major obstacle to the realization of the right to development within and across countries,

Recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is one of the critical elements in the promotion and realization of the right to development and is the greatest global challenge and an indispensable requirement for sustainable development, which requires a multifaceted and integrated approach, and reiterating the need to achieve sustainable development in its three dimensions, economic, social and environmental, in a balanced and integrated manner,

Expressing concern about the increasing number of cases of human rights violations and abuses by transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order and the promotion and protection of all human rights and fundamental freedoms,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the

implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level.

Encouraging all Member States to engage constructively in discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development.

Reaffirming that the thirtieth anniversary of the Declaration on the Right to Development presented a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;¹
2. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the High Commissioner, including on inter-agency coordination within the United Nations system that have direct relevance to the realization of the right to development, and to provide an analysis of its implementation, taking into account existing challenges and making recommendations on how to overcome them, in her next annual report;
3. *Urges* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group on the Right to Development;
4. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;
5. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;
6. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all States to undertake at the national level the necessary policy formulation and to institute the

¹ A/HRC/39/18.

measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

7. *Welcomes* the celebrations held in 2016 to commemorate the thirtieth anniversary of the Declaration on the Right to Development, including the annual high-level panel discussion on human rights mainstreaming, with the theme "The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development", convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, to accord the right to development the great attention it deserves and to redouble their efforts towards the realization of the right to development;

8. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its nineteenth session;²

9. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session³ that are congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

10. *Welcomes* the re-election of the Chair-Rapporteur of the Working Group and the skill with which he led the discussions at the nineteenth session;

11. *Notes* the presentation to the Working Group at its nineteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,⁴ which is a useful basis for further deliberations on the implementation and realization of the right to development;

12. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;⁵

13. *Acknowledges with appreciation* the proposal by the Movement of Non-Aligned Countries on a set of standards regarding the implementation and realization of the right to development⁶ and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;⁷

14. *Requests* the High Commissioner to facilitate the participation of experts in the twentieth session of the Working Group, to provide advice with a view to contributing to discussions on the implementation and realization of the right to development, including the implications of the 2030 Agenda, and looks forward to the possible engagement of the Working Group with the high-level political forum on sustainable development;

15. *Welcomes* the report of the Special Rapporteur on the right to development submitted to the Human Rights Council,⁸ and requests him to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

16. *Also welcomes* the consultations with States and the regional consultations already held by the Special Rapporteur on the implementation of the right to development;

² A/HRC/39/56.

³ See E/CN.4/2002/28/Rev.1.

⁴ A/HRC/WG.2/17/2.

⁵ A/HRC/WG.2/18/CRP.1.

⁶ A/HRC/WG.2/18/G/1.

⁷ See A/HRC/WG.2/18/CRP.1.

⁸ A/HRC/39/51.

17. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) To endorse the recommendations of the Working Group adopted at its nineteenth session;

(c) That the Working Group shall take into account Human Rights Council resolutions 9/3 and 36/9;

(d) That the Working Group shall invite the Special Rapporteur, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its twentieth session;

(e) That the Working Group at its twentieth session shall commence the discussion to elaborate a draft legally binding instrument on the right to development through a collaborative process of engagement, including on the content and scope of the future instrument;

(f) That the Chair-Rapporteur of the Working Group shall prepare a draft legally binding instrument on the basis of the discussions held during the twentieth session of the Working Group and the resource material from previous Working Group sessions to serve as a basis for substantive negotiations on a draft legally binding instrument, commencing at its twenty-first session;

18. *Requests* the Human Rights Council Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session;

19. *Requests* the Special Rapporteur to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda, including the high-level political forum on sustainable development, financing for development, climate change and disaster risk reduction, with a view to enhancing the integration of the right to development into these forums and dialogues, and requests Member States, international organizations, United Nations agencies, regional economic commissions and other relevant organizations to facilitate the meaningful participation of the Special Rapporteur in these forums and dialogues;

20. *Invites* the Special Rapporteur to provide advice to States, international financial and economic institutions and other relevant entities, the corporate sector and civil society on measures to achieve the goals and targets relating to the means of implementation of the 2030 Agenda for the full realization of the right to development;

21. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, such as the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda, to contribute further to the work of the Working Group and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

22. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
27 September 2018

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Iceland, Japan, Mexico, Panama, Republic of Korea]



General Assembly

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Human Rights Council

Thirty-ninth session
10–28 September 2018
Agenda item 3

**Resolution adopted by the Human Rights Council
on 27 September 2018**

**39/10. Preventable maternal mortality and morbidity and human rights in
humanitarian settings**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities,

Recalling the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, and the Convention relating to the Status of Refugees,

Recalling also General Assembly resolution 72/132 of 11 December 2017 on international cooperation on humanitarian assistance in the field of natural disasters, from relief to development,

Recognizing that preventing maternal mortality and morbidity is one of the human rights priorities for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling previous Human Rights Council resolutions on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, and reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women and the resolutions of the Commission on Population and Development,

Recalling the Secretary-General's renewed Global Strategy on Women's, Children's and Adolescents' Health, and recognizing the important role it can play in reducing preventable maternal mortality and morbidity,

Welcoming the efforts of the World Health Organization, the United Nations Population Fund and other United Nations agencies, funds and programmes, within their respective mandates, to prevent maternal mortality and morbidity, and recalling the global



commitment to the reduction of maternal mortality and to promote sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conferences and outcome documents,

Taking note of the efforts of the Inter-agency Working Group on Reproductive Health in Crises of the Inter-agency Standing Committee Reference Group on Principled Humanitarian Action to expand and strengthen access to quality sexual and reproductive health-care services for people in humanitarian settings,

Taking note also of the report and the recommendations of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,¹ the cooperation framework between the World Health Organization and the Office of the United Nations High Commissioner for Human Rights and that between the Office of the High Commissioner and the United Nations Population Fund, and also of the draft articles on the protection of persons in the event of disasters, adopted by the International Law Commission,²

Recognizing the importance of strengthening coordination between all relevant United Nations agencies, entities providing humanitarian assistance and civil society organizations in accordance with their respective mandates, and the need for States to ensure fully respect for and the protection and fulfilment of sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conferences and outcome documents, in reducing preventable maternal mortality and morbidity in humanitarian settings,

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing, and recognizing that persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law,

Reaffirming that States have an obligation to take steps to achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, free from discrimination, including in humanitarian settings,

Recognizing that a human rights-based approach to the elimination of preventable maternal mortality and morbidity is underpinned by the principles of, inter alia, accountability, participation, transparency, empowerment, sustainability, non-discrimination and international cooperation,

Stressing that reducing maternal mortality and morbidity with full respect of States' human rights obligations and commitments will require integrated efforts across the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and in the means of implementation of the 2030 Agenda,

Recognizing that respect for and the protection and fulfilment of the full enjoyment of human rights by all women and girls and the full implementation of all Goals and targets of the 2030 Agenda, including Goal 5 on achieving gender equality and empower all women and girls and target 3.1 on reducing global maternal mortality, are interrelated and mutually reinforcing,

Recognizing that sexual and reproductive health and reproductive rights are integral to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that comprehensive sexual and reproductive health-care services must have the interrelated and essential elements of availability, accessibility,

¹ *Leading the Realization of Human Rights to Health and through Health*, report of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents (Geneva, World Health Organization, 2017).

² See A/71/10.

acceptability and quality, on the basis of non-discrimination and formal and substantive equality, including by addressing multiple and intersecting forms of discrimination,

Deeply concerned that there are continuing violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of this right remains a distant goal for many women and girls throughout the world,

Recognizing that violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, such as inadequate emergency obstetric services and unsafe abortion, can cause high levels of maternal morbidity, including obstetric fistula, leading to ill health and death for women and girls of childbearing age in many regions of the world, and particularly in humanitarian settings, and that a dramatic and sustainable scaling up of quality treatment and health-care services, including high-quality emergency obstetric services and also of the number of trained, competent fistula surgeons and midwives, is needed to significantly reduce maternal and new-born mortality and to eradicate obstetric fistula,

Recognizing also that humanitarian settings may exacerbate pre-existing patterns and structures of discrimination and inequalities and further undermine access to health care, information and services, housing, water, sanitation, education and employment for women and girls, and that in affected areas access to essential services, such as health-care services, including sexual and reproductive health-care services, is disrupted owing to inadequate infrastructure, lack of professional health-care workers, basic medicines and health-care supplies and survivor-centred referral pathways for all survivors of sexual and gender-based violence,

Recognizing further that, in humanitarian settings, disintegrating judicial systems, gender-based discrimination and discrimination against refugees in host countries, fear of reprisals against their families or themselves, and the stigma associated with sexual and gender-based violence all prevent women and girl survivors of sexual and gender-based violence and those denied access to sexual and reproductive health-care services from reporting sexual violence and seeking justice, accountability and remedies for the violations they have endured,

Deeply concerned that women and girls living in humanitarian settings are disproportionately exposed to a high risk of violation of their rights, including through trafficking, sexual and gender-based violence, systematic rape, sexual slavery, forced sterilization, forced pregnancy, harmful practices such as child, early and forced marriage, and lack of accessible and appropriate sexual and reproductive health-care services, evidence-based information and education, including comprehensive sexuality education consistent with the evolving capacities of the child, lack of access to perinatal care, including skilled birth attendance, and emergency obstetric care, poverty, underdevelopment, all types of malnutrition, lack of access to medicines and medical equipment, human and material shortages facing health-care systems, humanitarian and funding shortages affecting hospitals, technical assistance, capacity-building and training needs, and lack of access to water and sanitation, resulting in heightened risks of unwanted pregnancies, unsafe abortion and maternal mortality and morbidity,

Reaffirming that human rights include the right to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that there are large disparities in maternal mortality and morbidity rates between countries, but also within countries, and between women and girls facing multiple and intersecting forms of discrimination, and noting with concern that the risk of maternal mortality is higher for adolescents and highest for adolescent girls under 15 years of age, and that complications in pregnancy and childbirth are a leading cause of death among adolescent girls in developing countries, which creates the need to address all social,

economic and environment determinants of health in order to reduce the aforementioned disparities,

Deeply concerned that in countries affected by humanitarian situations, the estimated lifetime risk of maternal mortality is 1 in 54 compared to 1 in 180 globally, and that the majority of preventable maternal deaths have occurred in settings of armed conflict, natural disasters and displacement,

Convinced that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, both globally and in humanitarian settings, and that the integration of a human rights-based approach to the provision of sexual and reproductive health-care services can contribute positively to the common goal of reducing that rate,

Recognizing the need for further disaggregated data on maternal mortality and morbidity rates and for access to sexual and reproductive health-care services in humanitarian settings,

Acknowledging that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, the full enjoyment of their human rights, their ability to reach their full potential and to sustainable development in general, and recognizing the need to bridge the humanitarian-development divide,

1. *Urges* all States to eliminate preventable maternal mortality and to respect, protect and fulfil sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and their review conference and outcome documents, and the right to have full control over and decide freely and responsibly on all matters relating to sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect bodily autonomy and guarantee universal access to sexual and reproductive health-care services, evidence-based information and education within a human rights-based approach, including for family planning, safe and effective methods of modern contraception, emergency contraception, universal access to health care, including quality maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and the integration of sexual and reproductive health into national health strategies and programmes for all women and girls, including adolescents;

2. *Urges* States, in accordance with obligations under relevant provisions of international human rights law, including the right to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, to ensure the availability, accessibility, acceptability and quality of health-care services, including mental health care and psychosocial services and sexual and reproductive health-care services, free of coercion, discrimination and violence;

3. *Calls upon* States to pay special attention to the particular situation of adolescent girls in humanitarian settings who may have to assume adult responsibilities and are exposed to higher risks of sexual and gender-based violence, child, early and forced marriage and trafficking, and are likely to be denied education, skills training, safe employment opportunities and access to sexual and reproductive health-care services and information, and to face isolation, discrimination and stigma, mental health issues and risk-taking behaviour;

4. *Encourages* all stakeholders to consider promoting and using the Inter-Agency Standing Committee's Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, the its Gender Handbook and the Inter-agency Field Manual on Reproductive Health in Humanitarian Settings, and to ensure delivery of the Minimum Initial Service Package for Reproductive Health at the onset of humanitarian

emergencies, with particular attention to women and girls facing multiple and intersecting forms of discrimination and in situations of vulnerability, and to ensure a transition, as soon as possible, towards comprehensive sexual and reproductive health-care services, information and evidence-based education;

5. *Encourages* Governments, local authorities, the United Nations system and regional organizations, and invites donors and other assisting countries, to address the vulnerabilities and capacities of women and girls through gender-responsive programming, including with regard to sexual and reproductive health needs and the means to address sexual and gender-based violence and various forms of exploitation during emergencies and in post-disaster environments, and the allocation of resources in their disaster risk reduction, response and recovery efforts in coordination with the Governments of affected countries;

6. *Strongly urges* States and all parties to armed conflict to take effective measures to prevent and address acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively assigned to medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict, including through the development of domestic legal frameworks to ensure respect for their relevant international legal obligations;

7. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,³ and encourages all stakeholders to consider the recommendations contained therein;

8. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and international assistance and cooperation arrangements, including by strengthening technical cooperation to address maternal mortality and morbidity, including through the transfer of expertise, technology and scientific data and exchanging good practices with developing countries, while honouring existing commitments, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women and girls has on maternal mortality and morbidity;

9. *Urges* States to ensure that laws, policies and practices respect women's bodily autonomy and privacy and the equal right to decide autonomously in matters regarding their own lives and health by bringing laws and policies concerning sexual and reproductive health, including international assistance policies, into line with international human rights law and repealing discriminatory laws relating to third-party authorization for health information and health-care services, and combating gender stereotypes, norms and behaviours that are discriminatory;

10. *Also urges* States to ensure access to justice and accountability mechanisms and timely and effective remedies for the effective implementation and enforcement of laws aimed at preventing violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, including those aimed at preventing maternal mortality and morbidity, including in humanitarian settings, such as by informing women of their rights under relevant international and domestic law and by improving legal and health infrastructure and removing all barriers in access to legal counselling, assistance and remedies;

11. *Further urges* States to ensure accountability and gender-sensitive, prompt and effective remedies for the violation of the rights of women and girls in relation to maternal mortality and morbidity in humanitarian settings by including transparent forms of monitoring, review and oversight of humanitarian programmes and policies, including the monitoring of inequities;

12. *Calls upon* States to support gender equality and women's rights and the rights of the child, including within families, through awareness-raising initiatives,

³ A/HRC/39/26.

including in schools and in displaced and refugee camps and settlements, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's and girls' rights into teacher training courses, including the prevention of sexual and gender-based violence and discrimination, and ensuring universal access to evidence-based comprehensive sexuality education consistent with the evolving capacities of the child;

13. *Urges* States and encourages other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a comprehensive human rights-based approach to address the interlinked causes of maternal mortality and morbidity, such as lack of accessible, affordable and appropriate health-care services for all, and of information and education, lack of access to medicine and medical equipment, all types of malnutrition, lack of access to safe drinking water and sanitation, poverty, underdevelopment, human and material shortages facing health-care systems, humanitarian and funding shortages affecting hospitals, technical assistance, capacity-building and training needs, harmful practices, including child, early and forced marriage and female genital mutilation, early childbearing, gender-based inequalities and all forms of discrimination and violence against women and girls, to take concrete measures to eliminate all forms of violence against women and girls, especially adolescent girls, and to ensure access to accountability for survivors of sexual and gender-based violence, including effective reparations and guarantees of non-recurrence, such as the prosecution of sexual and gender-based violence committed in humanitarian settings, while ensuring the meaningful and effective participation of women and girls in the relevant processes;

14. *Calls upon* all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions, entities providing humanitarian assistance and civil society organizations to, within their respective mandates, strengthen their efforts to reduce preventable maternal mortality and morbidity in humanitarian settings when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity, while ensuring the meaningful participation of women and girls in all decisions that affect them;

15. *Calls upon* States to ensure a more holistic and coordinated approach to the humanitarian-development nexus that places the individual woman and girl at the centre of humanitarian preparedness and response, and recognizes the need to overcome siloed approaches and fragmented programming;

16. *Also calls upon* States to ensure the effective and meaningful participation of women and girls, including through civil society and feminist networks and women's rights organizations, in identifying and determining needs, priorities for funding and service, processes for access and delivery, and crisis response, in recognition of their agency;

17. *Urges* States to strengthen their statistical capacity and to promote reliable transparent, collaborative and disaggregated data collection on the availability, accessibility, acceptability and quality of sexual and reproductive health-care services for all women and girls in affected populations, including host populations;

18. *Invites* States to consider the systematic integration of sexual and reproductive health as an integral part of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health into the mandates of investigative bodies established by the Human Rights Council, including commissions of inquiry and fact-finding missions, and to address human rights violations suffered by women in humanitarian settings;

19. *Requests* the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on good practices and challenges to respecting, protecting and fulfilling all human rights in the elimination of preventable maternal mortality and morbidity, including through the utilization of the technical guidance by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Health Organization, and to present it to the Human Rights Council at its forty-fifth session;

20. *Also requests* the High Commissioner, in collaboration with the Inter-agency Working Group on Reproductive Health in Crises, the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations specialized agencies, funds and programmes, international human rights mechanisms, entities providing humanitarian assistance and civil society organizations, to organize a two-day meeting in 2019 to discuss good practices, gaps and challenges in the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity in humanitarian settings, and to submit a summary report thereon to the Human Rights Council at its forty-second session;

21. *Decides* to remain seized of the matter.

*39th meeting
27 September 2018*

[Adopted without a vote.]

**General Assembly**

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Human Rights Council**Thirty-ninth session**

10–28 September 2018

Agenda item 3

**Resolution adopted by the Human Rights Council
on 28 September 2018****39/11. Equal participation in political and public affairs**

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26 September 2013 on equal political participation, and 27/24 of 26 September 2014, 30/9 of 1 October 2015 and 33/22 of 30 September 2016,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality and empowerment of women and girls, as well as for the realization of all human rights and fundamental freedoms,

Welcoming the contributions of Member States and other stakeholders to the drafting of the guidelines on the effective implementation of the right to participate in public affairs, both through their written submissions and their participation in regional consultations,

Acknowledging the work of the Office of the United Nations High Commissioner for Human Rights in preparing the draft guidelines on the effective implementation of the right to participate in public affairs,¹ presented to the Human Rights Council by the Office of the High Commissioner, and taking note with interest of the draft guidelines,

1. *Presents these guidelines as a set of orientations for States, as well as for, where appropriate, other relevant stakeholders in relation to the effective implementation of the right to participate in public affairs;*

2. *Requests the Office of the United Nations High Commissioner for Human Rights to disseminate and promote the use of the guidelines and to provide technical*

¹ A/HRC/39/28.



cooperation and capacity-building to States upon their request regarding the use of the guidelines;

3. *Also requests* the Office of the High Commissioner to prepare, in consultation with States and all other relevant stakeholders, a follow-up report on good practices and challenges faced by States in using the guidelines, and to present it to the Human Rights Council at its forty-eighth session;

4. *Encourages* Governments, local authorities, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the guidelines in the formulation and implementation of their policies and measures concerning equal participation in political and public affairs.

*40th meeting
28 September 2018*

[Adopted without a vote.]

**General Assembly**Distr.: General
8 October 2018

Original: English

Human Rights Council

Thirty-ninth session

10–28 September 2018

Agenda item 3

**Resolution adopted by the Human Rights Council
on 28 September 2018****39/12. United Nations Declaration on the Rights of Peasants and Other People
Working in Rural Areas***The Human Rights Council,*

Recalling all relevant Human Rights Council resolutions on the right to food, and recalling in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014, 30/13 of 1 October 2015 and 36/22 of 29 September 2017 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Welcoming with appreciation the constructive negotiations, participation and active engagement in the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas during its five sessions, and welcoming the report on its fifth session,¹

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

"The General Assembly,

Welcoming the adoption by the Human Rights Council, through its resolution 39/12 of 28 September 2018, of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof."

40th meeting
28 September 2018¹ A/HRC/39/67.

[Adopted by a recorded vote of 33 to 3, with 11 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Hungary, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Belgium, Brazil, Croatia, Georgia, Germany, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain]

Annex

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The Human Rights Council,

Recalling the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Taking into account the principles proclaimed in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant conventions of the International Labour Organization and other relevant international instruments that have been adopted at the universal or regional level,

Reaffirming the Declaration on the Right to Development, and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Reaffirming also the United Nations Declaration on the Rights of Indigenous Peoples,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recognizing the special relationship and interaction between peasants and other people working in rural areas, and the land, water and nature to which they are attached and on which they depend for their livelihood,

Recognizing also the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Concerned that peasants and other people working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

Concerned also that peasants and other people working in rural areas suffer from the burdens caused by environmental degradation and climate change,

Concerned further about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

Alarmed by the increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year,

Alarmed also by the high incidence of suicide of peasants in several countries,

Stressing that peasant women and other rural women play a significant role in the economic survival of their families and in contributing to the rural and national economy, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations,

Stressing also the importance of promoting and protecting the rights of the child in rural areas, including through the eradication of poverty, hunger and malnutrition, the promotion of quality education and health, protection from exposure to chemicals and wastes, and the elimination of child labour, in accordance with relevant human rights obligations,

Stressing further that several factors make it difficult for peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

Recognizing that access to land, water, seeds and other natural resources is an increasing challenge for rural people, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

Convinced that peasants and other people working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection,

Concerned that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity,

Noting that peasants and other people working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

Concerned about speculation on food products, the increasing concentration and unbalanced distribution of food systems and the uneven power relations along the value chains, which impair the enjoyment of human rights,

Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Recalling the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Recognizing that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Declaration and in national law,

Reaffirming the importance of respecting the diversity of cultures and of promoting tolerance, dialogue and cooperation,

Recalling the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work,

Recalling also the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity,

Recalling further the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,

Recalling the outcome of the World Conference on Agrarian Reform and Rural Development and the Peasants Charter adopted thereat, in which the need for the formulation of appropriate national strategies for agrarian reform and rural development, and their integration with overall national development strategies, was emphasized,

Reaffirming that the present Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Convinced of the need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Solemnly adopts the following declaration on the rights of peasants and other people working in rural areas:

Article 1

1. For the purposes of the present Declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.

2. The present Declaration applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family members of peasants.

3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless, engaged in the above-mentioned activities.

4. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

Article 2

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed.

2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

4. States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.

5. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and in access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;

(e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Article 3

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

Article 4

1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.

2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

- (a) To participate equally and effectively in the formulation and implementation of development planning at all levels;
- (b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;
- (e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
- (h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;
- (i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
- (j) To be free from all forms of violence.

Article 5

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.

2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

- (a) A duly conducted social and environmental impact assessment;
- (b) Consultations in good faith, in accordance with article 2.3 of the present Declaration;
- (c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 6

1. Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.

2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7

1. Peasants and other people working in rural areas have the right to recognition everywhere as persons before the law.

2. States shall take appropriate measures to facilitate the freedom of movement of peasants and other people working in rural areas.

3. States shall, where required, take appropriate measures to cooperate with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries, in accordance with article 28 of the present Declaration.

Article 8

1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

3. The exercise of the rights provided for in the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

Article 9

1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such

organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

3. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

Article 10

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 11

1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.

3. States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

Article 12

1. Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

2. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

3. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

4. States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration.

5. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

Article 13

1. Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

2. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development.

3. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living.

4. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensuring the effective operation of labour inspectorates in rural areas.

6. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Article 14

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

2. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

3. States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

4. States shall take all measures necessary to ensure:

(a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;

(b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;

(c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority;

(d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

(e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

Article 15

1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

Article 16

1. Peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems.

2. States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

4. States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.

5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Article 17

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.

3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. States shall protect legitimate tenure, and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. States shall recognize and protect the natural commons and their related systems of collective use and management.

4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law. States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

5. Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible, or to receive just, fair and lawful compensation when their return is not possible.

6. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including, among others, through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

Article 18

1. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.

3. States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

5. States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Article 19

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:

(a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

(d) The right to save, use, exchange and sell their farm-saved seed or propagating material.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.

3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.

4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting, and at an affordable price.

5. States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, and to decide on the crops and species that they wish to grow.

6. States shall take appropriate measures to support peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.

7. States shall take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas, and to ensure their active participation in the definition of priorities and the undertaking of research and development, taking into account their experience, and increase investment in research and the development of orphan crops and seeds that respond to the needs of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas.

Article 20

1. States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas.

2. States shall take appropriate measures to promote and protect the traditional knowledge, innovation and practices of peasants and other people working in rural areas, including traditional agrarian, pastoral, forestry, fisheries, livestock and agroecological systems relevant to the conservation and sustainable use of biological diversity.

3. States shall prevent risks of violation of the rights of peasants and other people working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

Article 21

1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. These rights include water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people working in rural areas have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including customary and community-based water management systems, on a non-discriminatory

basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status, and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater, and for water collection and storage.

4. States shall protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas. States shall prioritize water for human needs before other uses, promoting its conservation, restoration and sustainable use.

Article 22

1. Peasants and other people working in rural areas have the right to social security, including social insurance.

2. States shall, according to their national circumstances, take appropriate steps to promote the enjoyment of the right to social security of all migrant workers in rural areas.

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

4. Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

Article 23

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

Article 24

1. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.

2. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

3. States shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

Article 25

1. Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

2. All children of peasants and other people working in rural areas have the right to education in accordance with their culture, and with all the rights contained in human rights instruments.

3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face.

4. States shall invest in providing training, market information and advisory services at the farm level.

Article 26

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

Article 27

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration, and follow up on its effectiveness.

Article 28

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future.

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.



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Agenda item 3

**Resolution adopted by the Human Rights Council
on 28 September 2018****39/13. Human rights and indigenous peoples**

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Recalling the adoption on 22 September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,¹

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the study of the Expert Mechanism entitled "Free, prior and informed consent: a human rights-based approach",² and encouraging all parties to consider the examples of good practices and recommendations included in the study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

¹ General Assembly resolution 69/2.

² A/HRC/39/62.



Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,³ noting with concern her findings with regard to attacks against and the criminalization of indigenous peoples defending their rights and the prevention and protection measures available, and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,⁴ and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on the relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up on the effectiveness of the Declaration;

2. *Takes note* of the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,⁵ and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

5. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism, in the exercise of its mandate, to assist by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the United Nations Declaration on the Rights

³ A/HRC/39/17.

⁴ A/HRC/39/37.

⁵ A/HRC/39/68.

of Indigenous Peoples at the national and subnational levels, and encourages requests for technical assistance to the Expert Mechanism;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, and also notes that the Expert Mechanism will prepare a report on the theme of recognition, reparation and reconciliation;

7. *Encourages* States and all relevant academic institutions, indigenous peoples' institutions and representatives, as well as the United Nations Educational, Scientific and Cultural Organization, as the lead agency for the International Year of Indigenous Languages, to participate actively in the organization and implementation of the activities relating to the Year in 2019 and to uphold the spirit of the Year by taking measures to draw attention to the critical loss of indigenous languages and the need to preserve, revitalize and promote them;

8. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that, in view of the International Year of Indigenous Languages in 2019, the theme of the annual half-day panel discussion on the rights of indigenous peoples during the forty-second session of the Council will be on the promotion and preservation of indigenous languages, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-fourth session;

9. *Also decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;

10. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

11. *Decides* to hold a half-day intersessional interactive dialogue, while inviting the President of the General Assembly to participate, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them on the first day of the twelfth session of the Expert Mechanism, requests the Office of the High Commissioner to make the interactive dialogue fully accessible to persons with disabilities, and to prepare a summary report thereon for submission to the Council prior to its forty-fourth session, and recommends that the Assembly consider that report in the ongoing process towards the enhancement of the full and effective participation of indigenous peoples in the work of the United Nations;

12. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding timely regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

13. *Encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional

programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

14. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

15. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

16. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

17. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures to pursue its objectives in consultation and cooperation with indigenous peoples;

18. *Calls upon* States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

19. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

20. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

21. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

22. *Welcomes* the agreed conclusions adopted by the Commission on the Status of Women at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

23. *Also welcomes* the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving

the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

24. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

25. *Decides* to continue its consideration of this question at a future session, in conformity with its annual programme of work.

*40th meeting
28 September 2018*

[Adopted without a vote.]